

VZCZCXYZ0000
PP RUEHWEB

DE RUEHWN #0220/01 0921240
ZNY CCCCC ZZH
P 011240Z APR 08
FM AMEMBASSY BRIDGETOWN
TO RUEHC/SECSTATE WASHDC PRIORITY 6298
INFO RUCNCOM/EC CARICOM COLLECTIVE
RUMIAAA/HQ USSOUTHCOM J5 MIAMI FL
RUMIAAA/HQ USSOUTHCOM J2 MIAMI FL

C O N F I D E N T I A L BRIDGETOWN 000220

SIPDIS

SIPDIS

STATE FOR WHA/CAR
SOUTHCOM ALSO FOR POLAD

E.O. 12958: DECL: 03/27/2018

TAGS: KCRM PGOV TNRB PHUM PREL ASEC XL VC
SUBJECT: ST. VINCENT: PM'S (FIRST) RAPE CASE HIJACKED BY
POLITICS

REF: A. BRIDGETOWN 58

1B. BRIDGETOWN 78

1C. BRIDGETOWN 134

Classified By: PolOff Arend Zwartjes for reasons 1.4 (b) and (d).

11. (C) Summary: The judge reviewing the Director of Public Prosecutions' (DPP's) February decision to "discontinue" the rape case against Prime Minister Gonsalves has ruled that the DPP acted properly and within the parameters of the law. The lawyers for the accuser have appealed the case, and have filed separate rape charges against the Prime Minister on behalf of another woman. In addition, they intimated that more women have stepped forward, claiming that they too were raped by Gonsalves. The rape case has further polarized a community already sharply divided along party lines, and the handling of the case--notably the Prime Minister's seeming intervention on his own behalf and refusal to recuse himself as security chief to allow an impartial investigation--has alienated large swaths of civil society, leading many to conclude that the courts are no longer independent when it comes to government figures. If the allegations gain any sort of momentum, however, PM Gonsalves may be forced to call early elections and the political stability of the country could be undermined. End Summary.

DPP's Actions Upheld

12. (U) On February 28, 2008, Justice Gertel Thom heard arguments regarding the legality of the Director of Public Prosecution's (DPP) decision in early February to take over and "discontinue" the criminal rape case against Prime Minister Ralph Gonsalves (Ref B). Justice Thom then ruled on March 12th that she found "no arguable grounds for a review" of the DPP's actions, finding that the constitution allows for the DPP to intervene in certain circumstances. According to Thom, "it was not necessary for the Director of Public Prosecutions to take over the complaints before he discontinued them. However, having taken over, under Section 64 (of the SVG Constitution) he was empowered to discontinue them at any time before judgment." One of the accuser's lawyers, Emery Robertson, announced his team's plans to appeal the ruling immediately to the Privy Council (the court of final appeal in SVG).

13. (U) Immediately following the announcement of Thom's ruling, one of Gonsalves's attorneys, Anthony Astaphan of Dominica, participated in a Grenada radio call-in program and hinted that the Prime Minister might counter-sue the accuser, calling the rape charges a "frontal attack on the administration of justice". According to press reports, he

also called the matter "political and ridiculous," and said he did not think the Prime Minister should allow the matter to rest.

ULP Stages "Pro-Rape Rally"

14. (C) PolOffs met with two of the three lawyers representing the PM's accuser March 18-19. According to Kay Bacchus-Browne, "the Police Commissioner purposively did not investigate the matter" of the alleged rape, and she pointed out the many conflicts of interest clouding the Prime Minister's case, since Gonsalves himself appointed the Commissioner of Police, and in practice, he also appoints the DPP. Bacchus-Browne noted that the "control of administrative arms are in the government's control", virtually ensuring that a case against the PM could not receive a fair hearing. She emphasized that despite Gonsalves's claims that this was a political ploy, "he was the one who turned this into a political matter", citing the recent "Support De Comrade" rally held by the ruling Unity Labour Party to express support for the Prime Minister (also crudely described by one Embassy contact as a "pro-rape rally").

15. (C) Bacchus-Browne lamented that the Prime Minister's police-woman accuser has been put on the street beat at night, a position that puts her in further danger of reprisal violence, since her picture has been published in local newspapers and the PM named his accuser publicly. She also described the death threats received by herself and the two other lawyers during the course of the rape case, adding that she had been followed by police and believed their phone lines had been bugged. She did concede that once they reported the threats, the police took statements from them

and opened an investigation. Bacchus-Browne repeated earlier requests for assistance in having evidence DNA-tested (Refs A and B), noting that "We have no doubt what would happen if we trusted the (local) system" and reiterating her assertion that police had already destroyed what they believed to be evidence from the crime scene.

"A Very Uncomfortable Atmosphere"

16. (C) PolOffs then met with a second lawyer for the accuser, Nicole Sylvester, who is also the President of the St. Vincent and the Grenadines Human Rights Association and who first informed the Embassy of the rape case and requested assistance (Ref A). Sylvester said she had just returned from a "secret" trip to Trinidad, in which she successfully smuggled the policewoman's uniform (the key evidence) out of the country. Sylvester said that she had identified a US company, NFC Global, that does due diligence work and was willing to test the evidence outside of law enforcement channels.

17. (C) Admitting that there is "a very uncomfortable atmosphere" in St. Vincent at the moment, Sylvester claimed that she too has been followed by police and received death threats. In her efforts to engage international human rights groups, Sylvester explained that Amnesty International had expressed interest in the matter, and delivered over 300 letters to the Police Commissioner, the Superintendent of Police, and to the Foreign Minister, all expressing concern about the handling of the rape case. Sylvester further noted that while in Trinidad, a reporter from the Trinidad Express who had interviewed Gonsalves claimed that he told the reporter off-record that "the whole thing was concocted by the CIA."

The Other Shoe Ready To Drop

18. (C) Both Sylvester and Bacchus-Browne informed PolOffs that they have filed a second, separate rape charge with the Family Court, on behalf of a second accuser. According to

Sylvester, several women have come forward claiming to have been raped by the Prime Minister, though several are not willing to press charges because they do not want to get involved. Sylvester noted that one of these women is a lawyer at the Family Court, another is a lecturer at the University of the West Indies (UWI) in Barbados, and a third, currently considering filing charges, is an expat living in Toronto. Sylvester added that at least one accuser claimed that the alleged rape was committed in the Prime Minister's office. In Sylvester's words, "these are all things that happened to women because he abused the power of his position".

The Political Divide Deepens

¶9. (C) Sylvester further noted the government's tendency to politicize any issue, and Bacchus-Browne opined that the population of St. Vincent and the Grenadines is now highly polarized. As detailed in Ref B, the matter was in fact first made public by the Prime Minister, though the Opposition NDP later boycotted a session of Parliament in protest of the Prime Minister's failure to step down while the investigation continued. In a private meeting with PolOffs, Leader of the Opposition Arnhim Eustace noted his particular concern that the Prime Minister did not divest himself of the National Security Portfolio, since in that capacity he directly oversees the work of the Commissioner of Police and the Director of Public Prosecutions, a rather glaring conflict of interest. While many Vincentians appear likewise outraged by this, many citizens believe Gonsalves's claim that this is a political accusation manufactured by the NDP. The senior reporter for the pro-government Searchlight newspaper, Kirby Jackson, told PolOffs that the NDP's attempt to "use the accusation for political mileage has backfired".

¶10. (C) Several Embassy contacts expressed guarded optimism that the Prime Minister will be forced at some point to call early elections (which are not constitutionally due until 2010). The constitution does allow for rare circumstances in which the Governor General can dictate that early elections be announced, but short of widespread violence and chaos, this is highly unlikely, especially since the Governor General himself was appointed by Gonsalves and is considered a politically ally. Meanwhile, people close to the case have

told us that the tension in the country extends into the police forces themselves. While many (politically appointed/promoted) senior officers back the PM, the rank-and-file are reportedly deeply divided, with many beat cops supporting the accuser and expressing dismay at the damage to their reputation as a force and at the treatment of a fellow officer.

Comment

¶11. (C) This case--along with the bungled investigation of a recent high-profile murder case (Ref C)--appears to have widely damaged general confidence in the independence of the judiciary. It is clear that what should have been a legal matter to be decided by the courts has become a political football, with opinions on the Prime Minister's guilt or innocence depending on one's party affiliation. Several contacts (though none in government) have labeled the handling of this case an international embarrassment for St. Vincent, and have highlighted the contrasts between this case and the handling of the allegations against New York Governor Spitzer, which many on the island hold up as the model of politicians not being above the law. Additional rape charges, if they are pursued by alleged victims and if they are made public, will certainly bring sustained pressure on the Prime Minister, but it is not clear what it would take for him to subordinate himself to rule of law. End comment.

OURISMAN